

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE IN THE TAMPA TRIBUNE

in the matter of NOTICE OF INTENT

was published in said newspaper in the issues of FEBRUARY 10, 2006

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this 13 day of FEBRUARY, A.D. 2006

Personally Known or Produced Identification Type of Identification Produced
Jane Lantaigne



Resource. Damage Assessment (NRDA), which will include restoration planning. The purpose of this restoration planning is to evaluate potential injuries to natural resources and services, and use that information to determine appropriate restoration actions.

PUBLIC INVOLVEMENT
The Trustees seek public involvement in restoration planning for this incident through public review of the Preassessment Data Report (See below). Representatives from the Trustee Working Group plan to provide a brief overview of the Preassessment Data Report at the March 9th, 2006, 9 a.m. meeting of the Agency on Bay Management (<http://www.tbpc.org/abm/>) and be available to answer questions related to the injury assessment and restoration planning processes.

SITE AND RELEASE INFORMATION
On September 5, 2004 a phosphogypsum stack wall failed at Mosaic Fertilizer LLC's Riverview facility, discharging process water into Archie Creek and subsequently into Hillsborough Bay, a sub-bay of Tampa Bay. The spill impacted approximately 135 acres of marshes and mangroves, 23 acres of seagrasses, hundreds of acres of open water, and the fauna inhabiting these areas. As owner and operator of the phosphate processing facility from which the release occurred, Mosaic Fertilizer LLC was identified as the responsible party.

Originally a meandering creek, Archie Creek has been modified through time. In its current state, the north portion of Archie Creek remains in a relatively natural state while the south portion of the creek has been channelized to form Archie Creek Canal. Flanked by dikes on both sides, Archie Creek Canal follows a relatively straight path to Hillsborough Bay.

injuries to fish were observed of this exposure. Proceed Preassessment Since the Tri established and that the injury to nature was high, the made the determination with preas activities. Di preassessment Trustees ephemeral cooperatively Fertilizer LLC to any injury that resulted from t water release. T of the data colle the Preassessm is summariz

"Preassessm Report" that w in November 20

The Preassess Report is avai review under Reports" at th website-http://restoration.noa resource_catal

DETERMINATI CONDUCT RES PLANNING
For the reasons below, the resource trus providing notice intend to restoration pl order to restoration al that will restor rehabilitate, or equivalent of resources injur natural resourc lost as a resu incident.

Injuries have res this incident. Th base this dete upon data t collected and al assess injury l resources as a re process water re analysis of th demonstrates resources and were injured. resources th injured as a res spill include, b limited to; m mangrove ve benthic com water quality, other water soli

AUTHORITIES
The Florida Department of Environmental Protection (FDEP), the U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA), and U.S. Department of Interior Fish and Wildlife Service (USFWS) are acting in accordance with the natural resources authorities provided by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended, 42 U.S.C. 9601 et seq., the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., and other applicable Federal laws including the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Subpart G, 40 C.F.R. Sections 300.600 - 300.615 and the Natural Resource Damage Assessment regulations 43 C.F.R. Part 11. In addition, FDEP enters into this NRDA pursuant to the authority in Chapters 376 and 403, Florida Statutes, and other applicable provisions of state law. The Environmental Protection Commission of Hillsborough County (EPCHC) enters into this NRDA pursuant to Chapter 84-446, Laws of Florida, as amended, and Section 403.182, Florida Statutes.

TRUSTEES' DETERMINATIONS
Following the notice of the discharge, the natural resource Trustees made the following determinations:

1. The Trustees have determined that they have jurisdiction to pursue restoration pursuant to CERCLA to resolve liability for injuries to natural resources resulting from the release of process water into Archie Creek and the waters of Hillsborough Bay on September 5-6, 2004.